

Thursday, 24 January 2019 (1000)  
The United States Navy-Marine Corps Court of Criminal Appeals Courtroom  
1254 Charles Morris Street SE, Bldg. 58, Suite 320  
Washington Navy Yard, DC 20374

*United States v. Olivares*, NMCCA No. 201800125

Before the Court (*En banc*):     Chief Judge Woodard  
   Senior Judge Hutchison  
   Senior Judge Fulton  
   Judge Tang  
   Judge Lawrence  
   Judge Crisfield  
   Judge Hitesman

For Appellant: LT Kim Rios, JAGC, USN

For Appellee: Major Maryann McGuire, USMC

The case is an interlocutory government appeal pursuant to Article 62, UCMJ. The accused faces, inter alia, charges of sexual assault and sexual harassment. The military judge found the sole Specification of Charge I (violation of a lawful general order) failed to state an offense, finding that United States Navy General Regulations (1990) Article 1166 is not punitive and is void for vagueness. After the military judge granted the defense's motion to dismiss the Specification, the government filed its appeal.

The issue to be argued before the full court is as follows:

- I.     Whether the military judge erred by dismissing the sole Specification of Charge I finding that Article 1166, United States Navy General Regulations (1990), is not punitive and is void for vagueness?